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Attorneys for defendants Charles Schwab & Co., Inc., Schwab
Investments, and Charles Schwab Investment Management, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JERRY SMIT, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

CHARLES SCHWAB & CO., INC., SCHWAB
INVESTMENTS, and CHARLES SCHWAB
INVESTMENT MANAGEMENT, INC.,

Defendants.

Case No. CV-10-3971 JSW

CLASS ACTION

STIPULATION AND ~~PROPOSED~~
ORDER RE RESPONSE TO
COMPLAINT

Date Action Filed: Sept. 3, 2010

WHEREAS, on September 3, 2010, Jerry Smit ("Plaintiff") filed a complaint against Charles Schwab & Co., Inc., Schwab Investments, and Charles Schwab Investment Management, Inc. ("Defendants");

WHEREAS, Plaintiff served Charles Schwab & Co., Inc. and Charles Schwab Investment Management, Inc., on September 22, 2010, and served Schwab Investments on September 24, 2010;

WHEREAS, on October 6, 2010, the Court related the *Smit* action to *Northstar Financial Advisors, Inc. v. Schwab Investments*, Case No. 08-cv-4119-LHK;

WHEREAS, the parties in the *Northstar* action have stipulated to a briefing schedule on defendants' motion to dismiss and the Court has entered an order setting a hearing on that motion for January 13, 2011;

WHEREAS, the parties in the *Smit* action have met and conferred and agree that it makes sense for the convenience of the Court and the parties to adopt the same briefing and hearing schedule for Defendants' motion to dismiss in this related action;

IT IS HEREBY STIPULATED AND AGREED among the undersigned parties, subject to Court approval, that Defendants shall have an extension of time to file their motion to dismiss until on or before November 10, 2010, Plaintiff's opposition shall be filed on or before December 6, 2010, Defendants' reply shall be filed on or before December 21, 2010, and the hearing on the motion shall be set for January 13, 2011 at 1:30 p.m. or as soon thereafter as the matter may be heard.

IT IS SO STIPULATED.

Dated: October 8, 2010

DARRYL P. RAINS
EUGENE ILLOVSKY
CRAIG D. MARTIN
DOROTHY L. FERNANDEZ
MORRISON & FOERSTER LLP

By: /s/ Dorothy L. Fernandez
Dorothy L. Fernandez

Attorneys for defendants Charles Schwab & Co.,
Inc., Charles Schwab Investment Management,
Inc., and Schwab Investments

1 Dated: October 8, 2010

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14 Counsel for Plaintiff Smit and the Proposed Class

15 IT IS SO ORDERED.

16 Dated: October 19 2010

17 
18 HONORABLE LUCY H. KOH
19 UNITED STATES DISTRICT JUDGE